

## **MINUTES**

### **UTAH SOCIAL WORK MEETING**

**April 12, 2007**

**Room 475 – 9:00 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9:07 A.M.

**ADJOURNED:** 2:42 P.M.

**Bureau Manager:**  
**Board Secretary:**

Noel Taxin  
Karen McCall

**Board Members Present:**

Tammer M. Attallah  
Joyce Stowe-St. Clair  
Dennis R. Frandsen  
Patsy J. Smith  
Jean V. McAfee  
Mark de St. Aubin

**Board Members Absent:**

Steven Fisher, Chairperson

**DOPL Staff Present:**

F. David Stanley, Division Administrator

#### **TOPICS FOR DISCUSSION**

#### **DECISIONS AND RECOMMENDATIONS**

##### **ADMINISTRATIVE BUSINESS:**

##### **ACTING CHAIRPERSON:**

Joyce Stowe-St. Clair volunteered to chair the meeting today due to the absence of Steven Fisher, chairperson.

##### **MINUTES:**

The minutes from the March 1, 2007 meeting were read.

Ms. Smith made a motion to approve the minutes as amended. Mr. Frandsen seconded the motion. **The Board vote was unanimous.**

##### **APPOINTMENTS:**

##### **10:00 A.M.**

Jan Wimmer, Probationary Interview

Ms. Wimmer met for her probationary interview.

Mr. Frandsen conducted the probationary interview.

**Mr. Frandsen informed Ms. Wimmer that her reports were received.**

Ms. Wimmer responded that she had some difficulty getting the supervisor to complete the form due to work responsibilities.

**Mr. Frandsen read the reports from R. Jeffrey Simpson and from Mashelle Boswell for the Board and Ms. Wimmer.**

**The Board noted that both reports indicate Ms. Wimmer is an excellent employee and conducts herself professionally.**

**Ms. Taxin asked Ms. Wimmer to discuss her thoughts regarding the probationary process. Ms. Taxin commented that Ms. Wimmer took responsibility for her behavior that brought her before the Board.**

Ms. Wimmer responded that the whole process is very complicated. She stated that there was no way she would have anticipated the events and probation happening to her. She stated that the incident nearly destroyed everything she has spent so many years to accomplish, and that she is sure she will not put herself in this position again. She concluded that she cannot think of anything that would be worse in her life.

**Ms. Taxin asked if situations have come up in her work with clients where she has had to say no to the client as it would be a boundary issue.**

Ms. Wimmer responded that she works with adolescent females who want to do things for her and who request things from her that cross boundaries. She stated that the parents are also asking if they can give her things to thank her. Ms. Wimmer stated that she always tells the clients and parents no and that their requests and gifts would be boundary violations within her professional practice.

**Mr. Attallah commented that it appears that Ms. Wimmer is seeing the flags coming up strong. He asked if Ms. Wimmer is still able to maintain her rapport with the clients.**

Ms. Wimmer responded that she has been able to retain the rapport with her clients.

**Mr. Frandsen commented that the required continuing education has been completed.**

Ms. Wimmer responded that she did complete the CE requirement. She then asked how many hours she must complete for the Licensed Substance Abuse Counselor (LSAC) continuing education as she has only been licensed about 7 months.

**Ms. Taxin responded that Ms. McCall will call her regarding the LSAC continuing education as this is the Social Work Board meeting.**

**Mr. Frandsen stated that the Board discussed changing the frequency of Ms. Wimmer's reports from monthly to quarterly.**

**Mr. Attallah explained that the change would be based on Ms. Wimmer being consistently in compliance with her probationary requirements.**

**Mr. de St. Aubin made a motion to change the requirement of submitting monthly supervision reports to submitting quarterly supervision reports with the first report due 3 months from today.**

**Mr. Attallah seconded the motion.**

**The Board vote was unanimous.**

**Mr. Frandsen reminded Ms. Wimmer that her appointments with the Board will remain on a quarterly basis.**

**Ms. Taxin asked if Ms. Wimmer had any questions for the Board.**

Ms. Wimmer responded that her only question was in

regard to the LSAC continuing education requirements.

**An appointment was made for Ms. Wimmer to meet again July 12, 2007.**

**10:20 A.M.**

Megan Heath, Probationary Interview

Ms. Heath met for her probationary interview.

Ms. McAfee conducted the interview.

**Ms. McAfee asked Ms. Heath how she has been doing since her last appointment with the Board.**

Ms. Heath stated that last time she met she was experiencing some depression. She explained that she went in to see her Doctor about 2 weeks ago and is now feeling a little better. She explained that she thought her depression and pain was from her drug use but has discovered that she is suffering from Fibromyalgia. She stated that she was diagnosed about 3 years ago but was still using drugs and thought the pain would go away. Ms. Heath stated that she is unable to take any pain medications and that contributes to the depression as she knows she will have the pain forever. Ms. Heath stated that she takes only Ibuprofen as that is all she is allowed to take while in Drug Court. She stated that she is waiting to get into the pain management center. Ms. Heath stated that she should be graduating from Drug Court in July. She stated that she is tired of all the requirements of the Drug Court and she is no longer enjoying the meetings. Ms. Heath submitted documentation of her attendance at the AA meetings.

**Ms. McAfee asked if Ms. Heath has a sponsor.**

Ms. Heath responded that she does. She stated that her sponsor is older, has gone through some of the same things she has and also has teenagers. She stated that they try to meet once a month. She stated that Krista Aller is still her supervisor.

**Ms. McAfee stated that Ms. Aller's reports are very difficult to read and she requested Ms. Heath ask Ms. Aller to try to be more clear in her writing**

**of the reports. Ms. McAfee stated that Ms. Aller reported that Ms. Heath handled a situation with a co-worker in a positive and professional manner. She requested that Ms. Heath explain the situation for the Board.**

Ms. Heath explained that she has a Social Service Worker co-worker. She stated that she and the SSW would like to work more hours but the SSW asked her not to approach the Director at this time and she has chosen to wait to talk to the Director about more hours.

**Ms. McAfee commented that Ms. Aller also stated in the report that Ms. Heath's work load appears to be too much. She asked Ms. Heath to respond to that comment.**

Ms. Heath explained that she is doing psycho-social assessments and should be doing more of the clinical supervision hours. She stated that she would like to complete her 4000 hours, her probation and court requirements so that she can start a private practice. She asked if she has to wait to submit her application for LCSW until she has completed her probation.

**Ms. Taxin responded that she would need to complete the required 4000 hours of supervised experience but could submit her application for the LCSW prior to completing the probation. Ms. Taxin explained that Ms. Heath would still have to be under supervision and the Stipulation and Order would have to be amended with her agreeing to the terms of the amended Order.**

Ms. Heath stated that she wants to be doing in-depth work in the clinical field. She stated that she might try to take the ASWB clinical examination this summer so it would be completed. Ms. Heath stated that she has applied for a couple of jobs but has not yet been successful in obtaining different employment.

**Mr. de St. Aubin asked if Ms. Heath has noticed any triggers to start using drugs again with her health situation, her employment and her stresses.**

Ms. Heath responded that she has noticed triggers and has been telling her counselor that she usually does not think about taking pain medications but she did have a week-end that she strongly considered taking medications to relieve the pain she was experiencing. She stated that she has talked with her Doctor and asked what happens if the pain gets to be too much. Ms. Heath stated that she believes it is easier to cope with the pain if there is no other option and, at this time, there is no other option.

**Ms. Taxin stated that the pain management center will help her find alternatives to the medications and will help her regulate the pain.**

**Ms. McAfee commented that July is only 3 more months and that Ms. Heath will be complete with the drug court requirements.**

**She informed Ms. Heath that the Board has discussed changing the requirement of monthly reports from her supervisor and therapist to quarterly reports. She stated that it appears that Ms. Heath, the supervisor and the therapist are aware of Ms. Heath's issues and that Ms. Heath is following through with recommendations.**

**Ms. Taxin asked if Ms. Heath had any concerns regarding changing the frequency of the reports.**

Ms. Heath responded that it has been almost a year since the reports were started and she has no concerns changing the reports from monthly to quarterly.

**Mr. Attallah made a motion for the requirement of submitting monthly reports from Dan Heiner, employer, Krista Aller, supervisor, and Theresa E. McKell, therapist, be changed to submitting quarterly reports.**

**Mr. Frandsen seconded the motion.**

**The Board vote was unanimous.**

**Ms. Taxin clarified to Ms. Heath that the employer, supervisor and therapist will still be required to**

**submit reports but on a quarterly basis.**

**An appointment was made for Ms. Heath to meet again July 12, 2007.**

**Ms. Taxin asked Ms. Heath to request Ms. Aller to write more clearly and to have the reports sent to the Division about 2 weeks prior to the Board meetings.**

**10:40 A.M.**

Kendall Lowe, Discuss Supervision of Interns and CSW's

Mr. Lowe met for his appointment.

**Ms. Taxin thanked Mr. Lowe for meeting with the Board. She explained that he was requested to meet to discuss his perspective regarding supervision of CSW Interns and CSW's as he was Matt Kaopua's clinical supervisor for many years. Ms. Taxin explained that the Division and Board were concerned about Mr. Kaopua's clinical experience as he graduated with the Social Work Administrative track many years ago. She stated that Mr. Kaopua was licensed as a CSW in May 1982 and applied for the Licensed Clinical Social Worker (LCSW) license in October 1996. Ms. Taxin informed Mr. Lowe that the LCSW was denied as Mr. Kaopua had not completed the clinical courses. She stated that Mr. Kaopua again applied for the LCSW in December 2006 and that application was denied based on Mr. Kaopua not completing the clinical courses. Ms. Taxin stated that Mr. Kaopua was informed in 1996 and again in 2006 that he must have the clinical courses to be doing mental health therapy. Ms. Taxin stated that it is a concern to the Division and the Board for Mr. Kaopua to continue to practice mental health therapy without completing the clinical courses because it is out of his scope of practice.**

Mr. Lowe explained that when he started supervising Mr. Kaopua he checked the website to be sure Mr. Kaopua was licensed and the website documents a CSW license. Mr. Lowe stated that Mr. Kaopua had told him that he did a clinical internship at the Veterans Administration. He stated that with the verification of the CSW and the clinical internship at

the VA he thought it would be appropriate to supervise Mr. Kaopua in mental health therapy.

Mr. Lowe stated that he was concerned and somewhat baffled when he read the 1996 and 2007 letters of denial the Division sent to Mr. Kaopua.

**Ms. Taxin stated that she contacted the University of Utah and was informed that they had 2 different tracks. She stated that she was informed that the students were informed that they could not engage in clinical practice with the administrative track but could take the clinical courses to complete both tracks. Ms. Taxin stated that Mr. Kaopua indicated that Mr. Lowe was aware of his administrative track and supported Mr. Kaopua in doing mental health therapy. Ms. Taxin stated that a recent graduate would have the clinical track as the U of U now offers only the clinical track.**

Mr. Lowe responded that he has a copy of Mr. Kaopua's degree which documents the MSW. He stated that he had no idea that the U of U had 2 tracks years ago. Mr. Lowe stated that most of the supervision has been face to face, in person for the first 2 or 3 years. He stated that now he does some web-cam and some telephonic supervision but also still does some face to face.

**Ms. Taxin explained that since Mr. Kaopua has the administrative track the hours Mr. Lowe has supervised will not count toward the LCSW license. She stated that once Mr. Kaopua completes the clinical courses he may start the required 4000 hours of supervised experience. She stated that redoing the hours is a small consequence for Mr. Kaopua. She stated that Mr. Kaopua and the U of U were unable to document the VA practicum and he may also have to redo the practicum.**

**Mr. de St. Aubin commented that Mr. Kaopua had a research project that listed him as an intern at the VA under supervision of Lynn Ellison. Mr. de St. Aubin stated that the information presented would be considered as a verification of completing**



**the practicum at the VA.**

**Ms. Taxin stated that Mr. Kaopua has known that he could not do mental health therapy without completing the clinical courses based on the U of U notification to students, both LCSW denials and his calling several times over the years for clarification. She stated that there were no complaints from clients fortunately and it was considered self reporting when he submitted an application.**

Mr. Lowe commented that Mr. Kaopua has thousands of hours of supervision and he had pushed Mr. Kaopua to apply for the LCSW not realizing the limitations.

**Ms. Taxin asked Mr. Lowe if he thinks Mr. Kaopua is safe to practice now that Mr. Lowe understands the situation and Law regarding Administrative Track Education.**

Mr. Lowe responded that he supports the Utah Laws and Rules. He stated that Mr. Kaopua is a very competent practitioner and better than some of the LCSW's Mr. Lowe works with.

**Mr. de St. Aubin asked Mr. Lowe if he has read the Utah Laws and Rules.**

Mr. Lowe responded that he has read them many times.

**Mr. de St. Aubin explained that the Law has the specific courses required for Mr. Kaopua to complete. He explained that the U of U determined Mr. Kaopua will need Advanced Practice I and II and one or two electives. Mr. de St. Aubin stated that he believes Mr. Kaopua will be taking the DSM class as one of the electives and has elected to take the practicum.**

Mr. Lowe responded that he has been supervising Mr. Kaopua for the practicum which will be completed April 26, 2007. Mr. Lowe asked if Mr. Kaopua should continue working under him or not.

**Ms. Taxin stated that Mr. Lowe should encourage Mr. Kaopua to complete the course. She stated that the Division and Board could address the required 4000 hours of supervision after the courses are completed.**

**Mr. de St. Aubin stated that Mr. Kaopua will complete the second of his 2 practice courses in December 2007.**

**Ms. Taxin stated that Mr. Kaopua cannot act in a clinical capacity after his practicum ends.**

**Ms. Taxin stated that the situation is frustrating. She asked why Mr. Kaopua would continue working with clients and put them and himself at risk when he knew the requirements for mental health therapy practice.**

**Ms. Taxin stated that maybe the Board could discuss and make a decision regarding working with clients after the practicum is complete.**

**Mr. de St. Aubin asked if the CSW Extern license would be appropriate for Mr. Kaopua.**

**Ms. Taxin responded that the CSW Extern would not be appropriate as he already has the CSW. She asked Mr. Lowe to make sure he continues to supervise Mr. Kaopua as an intern and the Board will discuss the issue of counting the supervised hours later.**

**Mr. Lowe stated that Mr. Kaopua is doing some diagnosing with kids and asked if that is appropriate.**

**Ms. Taxin responded that it would be appropriate while he is doing the practicum. She voiced frustration with Mr. Kaopua for putting the Division, the Board, Mr. Lowe and himself in this position. She stated that he has the CSW license, he has passed the clinical ASWB examination and Mr. Lowe assures the Division and Board that Mr. Kaopua is a competent practitioner. She asked the Board if they want Mr. Kaopua to continue working under supervision. She asked if the Board**

**wants to give Mr. Kaopua credit for some of the required 4000 hours.**

**Mr. de St. Aubin asked if there will be a Stipulation and Order for Mr. Kaopua and if there is, could the language include some specific requirements as discussed today.**

**Ms. Taxin responded that the AG's office is creating a different type of Stipulation and Order which states that if he practices out of his scope he is charged \$2000.00 per day.**

Mr. Lowe stated that he terminated Mr. Kaopua as an employee in December when he found out about the denial of the LCSW license. He stated that Mr. Kaopua is not paid for his practicum work.

**Ms. Taxin stated that Mr. Kaopua has been working for 12 years out of his scope of education. She explained that hours are not to count toward the LCSW until after the education is complete. She again asked if the Board would accept any of the hours he has completed and if they want him monitored until he completes all the required clinical courses.**

**Mr. de St. Aubin responded that he believes Mr. Kaopua needs to be supervised until he completes all the required clinical courses.**

**Ms. Taxin asked Mr. Lowe if he supervised all 4000 hours with Mr. Kaopua.**

Mr. Lowe responded that he did supervise all 4000 hours. He stated that Mr. Kaopua was a part-time employee and worked about 30 hours a week. Mr. Lowe commented that he is not sure he wants to go through another 4000 hours supervising Mr. Kaopua as he is now the clinical director and no longer acts as a supervisor.

**Ms. Taxin stated that Mr. Lowe would have to verify the 4000 hours as he is the only supervisor Mr. Kaopua has had.**

**Mr. de St. Aubin responded that he is uncomfortable requiring more hours than the Law requires as a punitive measure. He stated that Mr. Kaopua has completed approximately 1300 hours a year.**

**Mr. Attallah responded that Mr. Kaopua's situation is like a Doctor doing all he wants medically and not completing the medical courses. He stated that the hours would not be valid.**

**Mr. de St. Aubin stated that Mr. Kaopua would have to work after he completes all the clinical courses in December.**

**Ms. Stowe-St. Clair responded that people are brought before the Board and disciplined for the things they have done and now the Board is discussing Mr. Kaopua as being special. She stated that the Law says that you do requirements in a specific order. She stated that Mr. Kaopua may have done the hours but he did not do them honestly.**

Mr. Lowe commented that in talking with Mr. Kaopua he indicated that he was not really aware of what he could do and what he could not do. Mr. Lowe stated that he is not sure the agency will retain Mr. Kaopua after the practicum is completed.

**Ms. Taxin responded that Ms. McCall has been here 18 years and she is the person who wrote the initial denial letter to Mr. Kaopua. She stated that Ms. McCall has also talked with him through the years. Ms. Taxin stated that Mr. Kaopua made comments to the Board and then changed his story when he talked with her and Judi Jensen, AG, separately. Ms. Taxin stated that she is of the opinion that Mr. Kaopua was aware of the education and the practice of mental health therapy requirements.**

**Ms. Taxin stated that if the agency does not retain Mr. Kaopua that it would be the natural consequences for his actions. She stated that she and the Board should handle these situations fairly.**

**She again stated that Mr. Kaopua knew when he received the CSW that he could not do mental health therapy without the clinical courses as Larry Smith at the U of U was very clear in that every student was notified when they registered for the administrative track. She stated that she can understand some misunderstanding but there are letters to document that he was notified 12 years ago. She stated that if Mr. Kaopua is not in an internship he cannot work in mental health therapy.**

**Ms. Taxin concluded that the Division and Board will contact Mr. Lowe of their decision regarding counting any of Mr. Kaopua's hours prior to completion of the required clinical courses.**

**Mr. Attallah commented that the employee is responsible to be honest regarding their license scope as the employer only knows that they hold the CSW license. He stated that Mr. Lowe supervised properly without knowing Mr. Kaopua could not engage in mental health therapy. Mr. Attallah stated that he feels bad about Mr. Lowe.**

**Ms. Smith stated that if there are others in this situation of having the CSW with the administrative track then the Division and the Board need to set the precedence and follow it for all of these cases.**

**Ms. Taxin stated that she is of the opinion that Mr. Kaopua should complete the courses and then complete the required 4000 hours of supervised experience as that is the order in the Law and Rule.**

**Ms. Taxin commented that she met several times with Mr. Kaopua and offered him a Stipulation but he has not yet responded.**

**Mr. Attallah commented that he would feel more flexible if there was no documentation that Mr. Kaopua had been informed multiple times over the years. He stated that Mr. Lowe trusted Mr. Kaopua and has stated that he was a good clinician.**

**Mr. Frandsen commented that it appears that Mr. Kaopua knows what he is doing in conducting mental health therapy. He asked if the Board wanted to hold to the letter of the Law and Rules or to the spirit of the Law and Rules. He stated that Mr. Kaopua was informed several times and knew what he should be doing to follow the Law and Rules. Mr. Frandsen stated if he were Mr. Kaopua and had been informed he was doing something incorrectly, he would have corrected the problem.**

**No formal decision was made at this time.**

**The Board thanked Mr. Lowe for coming and discussing Mr. Kaopua's issues.**

**11:00 A.M.**

Jennie Gwilliam, Probationary Interview

Ms. Gwilliam met for her probationary interview.

Mr. Attallah conducted the interview.

**Mr. Attallah informed Ms. Gwilliam that her supervision reports were received.**

**Mr. Attallah asked Ms. Gwilliam if she would like to update the Board on any changes in her employment.**

Ms. Gilliam voiced concern about the meeting being recorded and asked if the meeting could be closed in order for her to talk freely and feel safe.

**Ms. Taxin responded that meetings are closed for mental conditions or safety reasons. She suggested the Board start by reviewing the reports and if it appears necessary then close the meeting.**

**Mr. Attallah stated that Ms. Gwilliam was asked a question and asked if Ms. Gilliam felt comfortable in responding to the question.**

Ms. Gwilliam responded that she would answer the question. She stated that she is doing training with the line staff. She stated that she still does work with Lynne Clark-Brunson as there are many issues and trauma in the background of the adolescent boys at the

facility.

Ms. Gwilliam stated that she is also working with some couples with adoptions. She stated that one family was listed in a St. George newspaper and the article talked about their success in adopting and about the progress the family has made through therapy. She stated that her name was not listed in the paper. Ms. Gwilliam explained that it is a challenge for children coming from war torn countries to the United States and being adopted into a family here. She stated that she does role playing, play therapy and teaches the family about the children's loss.

Ms. Gwilliam stated that she does some EMD and just returned from a seminar regarding the EMD.

**Mr. Attallah commented that it appears Ms. Gwilliam is getting practice with administrative duties.**

**He stated that Ms. Gwilliam has consistently met quarterly and has had reports consistently submitted on a monthly basis. Mr. Attallah stated that the Board is considering requiring the reports to be submitted on a quarterly basis.**

Ms. Gwilliam stated that she wanted to share some information with the Board but would not do so unless the meeting was closed.

**At this point Mr. de St. Aubin made a motion to close the meeting based on safety issues, character and mental well-being of the probationer.**

**Mr. Frandsen seconded the motion.**

**The Board vote was unanimous.**

**11:30 A.M. the meeting was reopened with a unanimous vote.**

**Mr. Attallah commented that Ms. Gwilliam has maintained compliance with her Stipulation and Order and completed her requirements except her time.**

Ms. Gwilliam responded that she would like to request early termination based on her continued compliance.

**Ms. Taxin stated that Ms. Gwilliam may ask for early termination but that Ms. Taxin would have to review the Stipulation and Order to see if the conditions allow for early termination but she may submit a formal request from herself with a summary of the situation that caused her to be on probation. She explained that a letter from Lynne Clark-Brunson and a letter from Bruce Humphries is also required stating that they support her request for early termination based on their own specific facts. Ms. Taxin stated that Ms. Gwilliam may also want to request the University to write a letter of support as she has worked for them. Ms. Taxin stated that if Ms. Gwilliam will submit the information prior to the July 12, 2007 meeting the Board will review and discuss it with her at that meeting. Ms. Taxin stated that if termination is allowed by the Stipulation and Order then the Board/Division will consider her request.**

**Mr. Attallah asked if the reports should continue until July and then readdress at that time.**

Ms. Gwilliam commented that she would be unable to attend the July meeting due to being needed by family members who are having children in July. She requested she her next appointment be in August.

**Ms. Taxin commented that if Ms. Gwilliam met in September then there would be 2 quarterly reports to review, the June and August reports. She recommended Ms. Gwilliam submit her requests for early termination with the August reports.**

**Mr. Attallah amended his original motion to include Ms. Gwilliam meet again September 6, 2007, with reports due in June and August and, if Ms. Gwilliam wants early termination of her probation, to include with the August reports letters from Bruce Humphries and Lynne Clark-Brunson with recommendations and a letter of request from herself.**



**Ms. Smith seconded the motion.**

**The Board vote was unanimous.**

**An appointment was made for Ms. Gwilliam to meet again September 6, 2007.**

**11:50 A.M.**

Robert Marshall, Probationary Interview

Mr. Marshall met for his probationary interview.

Mr. de St. Aubin conducted the interview.

**Mr. de St. Aubin stated that the Board has been notified that Mr. Marshall has made some changes in his employment. He asked Mr. Marshall to update the Board.**

Mr. Marshall responded that his supervisor, Carol Williams, talked about a better placement for him. He stated that he is now at an all boy's facility in Milford, Utah and likes working there. He stated that his employer at Integrity House had concerns regarding the incident that caused him to be on probation. Mr. Marshall explained that Greg Hurst is the facility administrator and Dennis Budd will be his supervisor. Mr. Marshall stated that the name of the facility is Lost and Found Youth Academy. He commented that he will be eating lunch in the same cafeteria where he ate lunch in elementary school as the old school was refurbished.

**Mr. de St. Aubin stated that Ms. McCall notified the Board that Mr. Marshall called regarding his change in employment.**

**Ms. Taxin stated that to date the Division has received only one letter and that was from Dennis Budd who faxed it this morning.**

**Mr. de St. Aubin reminded Mr. Marshall that the Stipulation and Order requires him to notify the Division/Board by letter within one week of any change in employment.**

**Ms. Taxin commented that Ms. McCall informed**

**Mr. Marshall that he needed to submit the information in writing with a letter from the previous employer and supervisor regarding the change and letters from the current employer and supervisor stating they have read the Stipulation and Order and will support Mr. Marshall in completing the requirements of his probation. Ms. Taxin stated that Ms. McCall relayed the message that Mr. Marshall informed her that Ms. Taxin had told him he only needs to call her regarding a change in his employment and supervisor and would not be submitting the information in writing. Ms. Taxin stated that she did not recall that conversation. Ms. Taxin stated that she tried to contact Mr. Marshall to explain the requirements and was unable to reach him so she contacted Carol Williams, his supervisor at Integrity House, and asked her to submit the letter regarding the termination.**

Mr. Marshall responded that the facility had family weekend. He stated that he left the information with Integrity House. He stated that he then contacted the new employer and asked them to submit the requested information. Mr. Marshall stated that he brought a report from Carol Williams regarding the termination, a letter from Dennis Budd and a letter from Lincoln Cox, Administrator. Mr. Marshall read the letters from Carol Williams and Lincoln Cox.

**Mr. de St. Aubin read the portion of Mr. Cox's letter that Mr. Marshall did not include when he read the letter.**

**Mr. de St. Aubin asked Mr. Marshall to tell the Board about Mr. Budd, the new proposed supervisor.**

Mr. Marshall responded that Mr. Budd has been licensed 10 to 15 years.

**Mr. de St. Aubin asked if Mr. Marshall has any questions regarding Mr. Budd's type of license in regard to Mr. Marshall's Stipulation and Order supervision requirements. Mr. de St. Aubin explained that Mr. Budd is a licensed Marriage and**

**Family Therapist (MFT). He asked Mr. Marshall if an MFT could supervise him.**

Mr. Marshall responded that about 2 years ago the Board stated that as long as the supervisor was a mental health therapist and approved, they could supervise him.

**Mr. de St. Aubin read the Stipulation and Order requirement that Mr. Marshall must be supervised by a Licensed Clinical Social Worker, LCSW. He stated that the Board would have to discuss the issue of Mr. Marshall being supervised by an MFT.**

**Ms. Taxin asked if there is an LCSW employed at the facility.**

Mr. Marshall responded that there is not an LCSW employed and the only LCSW available is his cousin. He stated that Milford is a rural area and he is requesting the Board to be lenient and approve Mr. Budd, the MFT, to supervise him. He explained that there is a specific program to be approved as an MFT supervisor and Mr. Budd has completed that program. Mr. Marshall stated that Mr. Budd has had the MFT supervisor certification for about 4 years. He stated that Mr. Budd is very competent and, as the agency is new, it cannot afford at this time to employ 3 therapists, Mr. Budd, Mr. Marshall and an LCSW to supervise. Mr. Marshall stated that the facility has agreed to hire him as a favor as he is from Milford and would like to be there to work.

**Mr. de St. Aubin asked if the Board has the prerogative to change the Stipulation and Order from an LCSW to an MFT temporarily and then review again at a later date.**

**Ms. Taxin responded that the Stipulation and Order is specific in the requirement of the supervisor being an LCSW. She stated that the Board may want to consider amending the Order if there is no one else available. Ms. Taxin stated that the perspective of the MFT is a little different than the social worker. She offered to call the AG for advice on the situation.**

**Mr. Attallah clarified that the consideration would be only for a temporary period of time.**

**Mr. de St. Aubin responded that it would only be temporary and the Board could specify that the supervisor be approved for one month, 3 months or 6 months.**

**Ms. Taxin left the meeting to contact the AG.**

**Mr. de St. Aubin asked if Mr. Marshall had any other issues that could be discussed in Ms. Taxin's absence.**

Mr. Marshall responded that he wants to do what the Board asks of him. He stated that he is hoping he is at the end of the probationary process. He stated that being at the end will hopefully give the Board a sense of security. He stated that the Board has encouraged him to find employment that he likes and would encourage the Board to view this change as a good thing. Mr. Marshall stated that Mr. Budd will look at and discuss ethical boundaries with him.

**Mr. de St. Aubin responded that Ms. Taxin is checking to be sure it is appropriate for Mr. Marshall to be under MFT supervision. He stated that the Board is supportive in the development of Mr. Marshall's career and, if accommodations can be made, the Board will give the request serious consideration.**

Mr. Marshall responded that he would have to start looking for other employment if the Board tells him he cannot have an MFT supervisor.

**Mr. de St. Aubin stated that the Board is supportive of Mr. Marshall working but does not have the authority to say where he can and can't work.**

**Mr. Frandsen asked if it is a residential facility.**

Mr. Marshall responded that the boys live there as it is a residential facility.

**Ms. Taxin returned to the meeting. She stated that she was unable to contact the AG but did discuss the situation with another manager. Ms. Taxin commented that the environment is a safer place for Mr. Marshall to work. She stated that if there is an LCSW available then the Board should not consider the MFT. Ms. Taxin stated that if the Board would approve the MFT for a few months then why would they not approve him to complete the probationary supervision.**

**Mr. de St. Aubin responded that there may another LCSW in Milford that Mr. Marshall is unaware of, however, the MFT works at the facility and would be able to oversee Mr. Marshall's work better than an outside supervisor.**

**Ms. Taxin stated that the supervision is not for a new CSW but it is for a probationer with boundary issues.**

**Mr. Attallah stated that he would support the change as MFT's also have a code of ethics.**

**Ms. Taxin stated that she could amend the Stipulation and Order from the requirement of an LCSW supervisor to an approved mental health therapist.**

**Mr. de St. Aubin commented that if it is an approved mental health therapist, if the reports are unsatisfactory, the Board could then require Mr. Marshall to have a different supervisor.**

**Mr. Frandsen made a motion to amend the Stipulation and Order to allow Mr. Marshall to be supervised by an approved mental health therapist and, if the reports indicate Mr. Marshall is not doing as he should or the supervisor is not appropriate, then require another mental health therapist to be the supervisor.**

**Mr. Attallah seconded the motion.**

**The Board vote was unanimous.**

**Mr. de St. Aubin asked Mr. Marshall when he starts seeing clients.**

Mr. Marshall responded that he was waiting until after this meeting to be sure his supervisor was approved. He stated that he will hold his request for early termination and submit it at a later time.

**Ms. Taxin asked the Board if they want the supervisor to submit monthly reports.**

**Mr. de St. Aubin responded that this is a new agency with a new supervisor and the reports need to be submitted monthly.**

**Ms. Taxin reminded Mr. Marshall that he must submit a letter to confirm he left Integrity House with the date of termination.**

**Mr. de St. Aubin stated that Mr. Marshall must also submit a letter from the facility to confirm that he is working there. Mr. de St. Aubin stated that Mr. Budd did not include in his letter that he has read the Stipulation and Order and will need to submit another letter to verify he has read it and is willing to supervise.**

**Ms. Taxin stated that the letters need to be written on Lost and Found Youth Academy letterhead.**

**She clarified for Mr. Marshall that he will need to follow-up to be sure the following is submitted:**

- 1. A letter of notification from him regarding the change in employment.**
- 2. A letter from Mr. Budd on letterhead regarding having read the Stipulation and Order and state his willingness to supervise and help Mr. Marshall to be successful in his probation.**
- 3. A letter from the Agency on letterhead regarding Mr. Marshall's employment, having read the Stipulation and Order and state their willingness to help Mr. Marshall to be successful in his probation.**

**An appointment was made for Mr. Marshall to meet again July 12, 2007.**

**12:15 P.M.**

Henry McCloyn, Probationary Interview

Mr. McCloyn met for his probationary interview.

Ms. Stowe-St. Clair conducted the interview.

Mr. McCloyn informed the Board that he is now employed.

**Ms. Stowe-St. Clair stated that the Division/Board received a letter from Highland Ridge regarding his being employed, they have read the Stipulation and Order and are willing to assist him in being successful in his probation.**

Mr. McCloyn responded that he wanted to be sure Highland Ridge understood the issues that caused him to be on probation, what his requirements are and their requirements as the employer. He stated that they understand and are willing to employ him.

**Ms. Taxin requested Mr. McCloyn to explain what he told the supervisor regarding their responsibilities.**

Mr. McCloyn responded that he told the supervisor that they would be required to meet with him weekly, review his notes in the files and provide monthly reports for the first 6 months.

**Ms. Stowe-St. Clair informed the Board that Mr. McCloyn's drug testing indicates 9 consecutive negative reports.**

**The Board noted the information.**

**Ms. Taxin asked Mr. McCloyn if he has seen Dr. Byrne in therapy and to respond where he is with the therapy.**

Mr. McCloyn responded that he has seen Dr. Byrne once. He stated that Dr. Byrne has requested the psychological report and the expert witness report from the Division. Mr. McCloyn stated that he gave

Dr. Byrne the information and will be meeting again with him. Mr. McCloyn stated that Dr. Byrne had terminated his therapy but now is of the opinion after reading the reports and speaking with Ms. Taxin from the Division that there would be a benefit for them to continue therapy.

**Ms. Taxin stated that she talked with Dr. Byrne and he asked her to hold off on the termination of therapy letter until he meets again with Mr. McCloyn. She stated that if Dr. Byrne is still of the opinion that therapy should be terminated he will write another report.**

**Ms. Taxin asked Mr. McCloyn if he had any questions or concerns to discuss with the Board.**

He responded that he did not.

**Ms. Taxin stated that she had told Mr. McCloyn that something would open up for him.**

**Mr. Attallah commented that by giving the agency full disclosure Mr. McCloyn will probably have a better fit in his employment.**

**Ms. Stowe-St. Clair commented that Mr. McCloyn is doing well in his probation. She encouraged him to continue.**

**Ms. Taxin reminded the Board that Mr. McCloyn has been meeting monthly for the last few months. She asked if the Board would consider having him meet quarterly.**

**The Board responded to have Mr. McCloyn meet quarterly.**

**Ms. Taxin requested Mr. McCloyn to be sure a report is submitted from Dr. Byrne on a monthly basis.**

Mr. McCloyn responded that he is planning to meet monthly with Dr. Byrne. Mr. McCloyn then asked if the probation time is counting as he has not been employed for a few months.



**Mr. de St. Aubin responded that the Board made a motion for the time to count unless it became an extended period.**

**Ms. Taxin responded that Mr. McCloyn has been working on requirements outlined in his Stipulation and Order and the time has been counted. She informed Mr. McCloyn that the Board reviewed and approved his assigned essay. Ms. Taxin reminded him that his CE must be pre-approved and he may fax or e-mail the syllabi of CE he is interested in for her and the Board to be sure it is appropriate and then to approve. She recommended Mr. McCloyn contact NASW for an ethics and standards course. She stated that another probationer completed one that was reported to be very informative.**

**An appointment was made for Mr. McCloyn to meet again July 12, 2007.**

**12:30 P.M. to 1:00 P.M.**

Lunch Break

**1:00 P.M.**

Enrique A. Velasquez, Probationary Interview

Mr. Velasquez met for his probationary interview.

Board members and Division staff were introduced to Mr. Velasquez.

Ms. Taxin conducted the interview.

**Ms. Taxin requested Mr. Velasquez to explain the reason his license was revoked and to update the Board on what he has been doing for employment, etc., since the revocation.**

Mr. Velasquez responded that he was in a private practice as a Licensed Clinical Social Worker from 1995 to 1997. He stated that during that time he made an unwise choice and had a romantic relationship with a client. Mr. Velasquez explained that after the revocation he worked at the Salt Lake Community College (SLCC). He stated that after many years an opportunity for part time employment with the Catholic Services became available. He stated that he

applied and was hired for the position as a Counselor. Mr. Velasquez stated that he thought he only had to have his Master of Social Work degree and work under supervision of a Licensed Clinical Social Worker (LCSW) to conduct therapy for the Catholic Services. He stated that he did not understand that he had to take an examination and then practice under supervision of an LCSW. He stated that a staff member at SLCC turned him in for unlicensed practice and the Division filed charges for practice without a license. He explained that the charges were dismissed after he completed community service hours. He concluded that he is now in the process of reinstating his LCSW license.

**Ms. Taxin explained that practice without a license is a criminal issue. She also stated she did not understand Mr. Velasquez's explanation regarding working as a MSW as the Laws and Rules do not address his explanation. She explained that Mr. Velasquez has completed part of the process and is now licensed as a probationary LCSW.**

**Ms. Taxin reviewed Mr. Velasquez' probationary requirements. She stated that she has supplied Mr. Velasquez with the list of approved psychologists for him to select one for a psychological evaluation.**

**Mr. de St. Aubin asked if the requirement for a psychological evaluation is based on the incident that led to the revocation.**

**Ms. Taxin responded that the psychological evaluation is based on the incident that led to the revocation to be sure Mr. Velasquez is safe to practice as it has been so many years since he was in practice.**

Mr. Velasquez stated that he will be getting the psychological evaluation within the next couple of weeks. He stated he will contact Ms. Taxin regarding which evaluator he will be seeing after he has made his choice. Mr. Velasquez stated that he will contact Ms. Taxin regarding an approved therapist if the evaluation recommends therapy.

**Ms. Taxin responded that the Division/Board do not recommend specific therapists but the therapist Mr. Velasquez chooses must be pre-approved before he goes into therapy. She stated that if Mr. Velasquez's insurance has a list of approved therapists he may submit a name and resume for the Division/Board to review. She stated that he must wait until after the evaluation to find out the recommendation of the evaluator.**

Mr. Velasquez commented that he has submitted his resume several places regarding part time employment as an LCSW.

**Ms. Taxin stated that when he is employed, the employer will need to read the Stipulation and Order and write a letter regarding that they have read it, is willing to support Mr. Velasquez in being successful in his probation, and will submit monthly written reports.**

Mr. Velasquez responded that he understands. He stated that he has completed the required essay and he submitted it to the Board for review.

**Ms. Taxin commented that the essay was required to be submitted by the 2<sup>nd</sup> appointment. She complimented Mr. Velasquez for completing it prior to that date. She asked if he would like to read it for the Board.**

Mr. Velasquez read the essay to the Board.

**Mr. Attallah made a motion to accept the essay as having met that requirement of the Stipulation and Order.**

**Mr. de St. Aubin seconded the motion.**

**The board vote was unanimous.**

**Ms. Taxin asked Mr. Velasquez if he had any CE information for the Board to review to pre-approve.**

Mr. Velasquez responded that he has not thought of

the CE requirements yet. He stated that he is of the opinion that he has completed what he could to date until he obtains employment.

**Ms. Taxin complimented Mr. Velasquez for completing the essay and starting the process for the evaluation as he has only had the Stipulation and Order a few days.**

**Mr. de St. Aubin asked Mr. Velasquez if he is currently practicing.**

Mr. Velasquez responded that he is not currently practicing. He stated that he has submitted his application and resume for a position. He stated that he might want to be in full time clinical practice but not at this time. Mr. Velasquez asked if he can call himself an LCSW and if he has to identify that he is on probation.

**Ms. Taxin responded that he may sign the charts LCSW. She explained that his license will show he is an LCSW on probation. She stated that he should post the license and if clients ask he should explain.**

**Mr. de St. Aubin commented that Mr. Velasquez has never met with any Board to discuss his unprofessional conduct with a former client. He asked how the Board should deal with a probationer that has had so much time transpire since the event.**

**Ms. Taxin commented that the probationary interviews should be the same as any other interview. She stated that Mr. Velasquez has been a professor teaching students and the Board should ask questions regarding the methods he plans to implement for therapy. She stated that she believes he understands what he did and how it affected the client.**

**Mr. de St. Aubin and Ms. Stowe-St. Clair commented that they were going to ask how Mr. Velasquez could not understand why he would need a license to practice when he is an educator**

**but decided not to at this time.**

**Ms. McAfee commented that she could not understand why Mr. Velasquez could think he could practice Social Work without any license.**

**Ms. Taxin commented that the Board should make sure Mr. Velasquez understands the importance of being licensed to practice mental health therapy and understands the Laws and Rules. Additionally, she stated that the Board also needs to be sure he is safe to practice.**

**An appointment was made for Mr. Velasquez to meet again May 17, 2007.**

#### **APPLICATION REVIEW:**

**Barbara Gearig, LCSW Application Review**

**Sarah Hoffman, Licensing Specialist, met to explain to the Board the issues in the application.**

**Ms. Hoffman explained that Ms. Gearig is currently licensed as a CSW. She stated that Ms. Gearig originally submitted her application for LCSW licensure by endorsement from Michigan. Ms. Hoffman stated that Ms. Gearig has had health problems for the last few years and was unable to document the required 4000 hours of licensed mental health therapy experience within the last 3 years as required for endorsement. She explained that the Division has taken into consideration disabilities and illness when reviewing for endorsement and asked Ms. Gearig for a letter from her Doctor to document the illness and the extent of the illness. Ms. Hoffman stated that Ms. Gearig's Doctor approved her to return to work and Ms. Gearig declined to return to work for another year. She stated that Ms. Gearig is requesting the Division to waive the 4000 hours of supervised experience and approve her for the LCSW license as she had a private practice from 1991 to about January 1, 2001. Ms. Hoffman stated that Ms. Gearig will need to take and pass the ASWB clinical examination as she has only completed the ASWB Masters examination.**

Mr. de St. Aubin asked if the Michigan requirements for licensure are similar to the Utah requirements.

**Ms. Taxin responded that she has accepted letters from employers and/or peers regarding practice of 4000 hours in the last 3 years and the letters Ms. Gearig submitted document that the writer cannot verify the work experience. Ms. Taxin stated that she also accepts W-2 Forms or a letter from the Human Resources but Ms. Gearig has not submitted any additional information. Ms. Taxin stated that Sarah Hoffman made some phone calls to the individuals who wrote the letters and they have stated that they cannot verify the endorsement hours as Ms. Gearig has not worked continuously and Ms. Gearig was quite forceful in asking them to write to the Division.**

Mr. Attallah stated that he could not understand why there was no documentation submitted from a colleague.

**Ms. Hoffman explained that she received a phone call from one person who stated that he did not feel comfortable writing a letter as Ms. Gearig had been in private practice. Ms. Hoffman stated that when she originally spoke with Ms. Gearig she informed her that if she had a private practice she could ask a colleague to write a letter to confirm the 4000 hours and the Division/Board would review the letter. Ms. Hoffman stated that she received a letter from Ann Condie Brenay in Michigan who stated that she and Ms. Gearig were on an LDS Social Services list but had no knowledge of her private practice.**

Mr. Attallah responded that private practice has some type of tax data that could be submitted.

**Ms. Taxin and Ms. Hoffman stated that Ms. Gearig stated there was no way to separate the regular income from her private practice income.**

Mr. Attallah summarized that Ms. Gearig wants the Board to accept her word that she has the 4000 hours in a 3 year period prior to her illness, Ms. Gearig's

doctor released her to return to work and she chose not to return to work. He asked what choices the Board has.

**Ms. Hoffman explained that Ms. Gearig contacted her the first time about the end of July or the middle of August in 2006 when Ms. Hoffman gave her examples of what she could send for verification. She stated that the next contact was from a Mr. Stewart on November 6, 2006 regarding clarification for him to send a letter.**

Mr. Attallah stated that he cannot see documentation that Ms. Gearig meets endorsement requirements and does not feel comfortable waiving the 4000 hours within 3 years endorsement requirement without any documentation.

Mr. Frandsen asked if the Board has the authority to waive half the hours.

**Ms. Taxin responded that the Board is bound by the Laws and Rules and does not have the authority to waive any of the hours. Ms. Taxin stated that Ms. Gearig was given the option of submitting documentation of 4000 hours of supervised practice from Michigan or documentation of the 4000 hours of licensed practice for licensure by endorsement.**

**Ms. Hoffman commented that she informed Ms. Gearig that without submitting any documentation she would meet the requirements of Certified Social Worker and that is the type of license the Division would consider for her. Ms. Hoffman stated that both options and requirements were outlined in the letter she sent to Ms. Gearig.**

Mr. Frandsen made a motion for Ms. Gearig to either verify her clinical practice of 4000 hours within 3 years to meet the requirements of endorsement or complete the requirements of the CSW license in Utah of 4000 hours of supervised experience.

Mr. de St. Aubin seconded the motion.

The Board vote was unanimous.

## **DISCUSSION ITEMS:**

### **Concerns regarding Scope of Practice for Certified Social Worker Extern and Certified Social Worker Intern Licensing**

Ms. Taxin stated that the CSW Extern license does not apply to the Social Workers and has never been issued. She explained that the Extern license is for someone who is short in the education and wants to be able to practice while they complete the education requirements.

Ms. Taxin stated that several people who have applied for the Professional Counselor Extern license are deficient up to 8 classes or more and the Extern license has been issued to them. Ms. Taxin referred the Board to 58-60-117(1)(d) of the Law that states the person has one or more deficiencies in course work, experience, or training. Ms. Taxin stated that she believes that it is a harm to the public for a person to practice mental health therapy with 8 or more deficiencies as they do not meet the pre-requisites of the profession. She stated that those with so many deficiencies do have the right degree and yet they want a license to work while they complete the education. She stated that a change would require the Law to be changed.

Ms. Taxin stated that 58-60-117(c) is also a problem as it allows anyone who holds an earned doctoral degree or master's degree in a discipline that is a prerequisite for practice as a mental health therapist to apply for the Extern license. She stated that many with a master's degree in Psychology have applied and they have not completed a DSM class or an advanced assessment class and those are courses to assess and conduct mental health therapy.

She then explained that the CSW Intern license is for a 6 month period and intended for people to be able to work while they take and pass the examination to be licensed as a CSW. She stated that several people who have the CSW Intern license have worked the full 6 months and have never taken the examination for CSW licensure, are counting their hours toward the required 4000 hours of supervised experience and their employers think they are fully qualified to practice.



Ms. Taxin explained that the supervisors are saying the CSW Interns are wonderful mental health therapist and there are no problems in the work place. She stated that some employers and supervisors are having the CSW Interns practice as CSW's.

Ms. Taxin stated that there are also people in Utah who only have the GED and are great employees but to be engaged in mental health therapy they must have the required education and supervision. She stated that licensees need to read their Laws and Rules and they are not.

**Mr. de St. Aubin responded that he does not believe there is a problem with the CSW Intern language. He stated that employers are probably not familiar with the CSW Intern license and their scope of practice. Mr. de St. Aubin stated that when he met with the graduating class he made it clear that the CSW Intern license is for a 6 month period and cannot be renewed or extended. He stated that he has also made it clear that if an individual fails the ASWB examination they may request the 90 day waiting period to retake be waived and ASWB will only grant 2 of those waivers.**

Ms. McCall stated that the CSW Interns are calling and asking for their license to be extended or renewed.

Ms. Taxin stated that two individuals have practiced 9 months of which 6 were while licensed as a CSW Interns. She stated that one person realized the license had expired but continued to work. Ms. Taxin stated that the employer did not understand what the CSW Intern license was but when Ms. Taxin talked with the supervisor and explained the supervisor took immediate action. Ms. Taxin stated that the individuals took the examination and passed and the licenses were issued. She stated that one of the people started working several months prior to applying for and receiving the CSW Intern license.

Ms. Taxin stated that some of these people are competent but that she does not understand why the applicants and supervisors are not reading the Laws

and Rules so they are aware of the requirements.

Ms. Taxin stated that she wanted the Board to be aware of these issues and if they hear of situations they should refer them to the Division or try to educate people on requirements. She stated that she is considering sending a letter with each CSW Intern license to inform the CSW Intern that the Law allows for the Intern license to be issued and is limited to the time necessary to pass the examination required or for six months only, whichever occurs first.

**Mr. de St. Aubin asked if the Law would allow for the Division to require the CSW Intern to register for the examination within a specific time.**

Ms. Taxin responded that they only have the 6 month period and if they apply right away, they would have the opportunity to take the examination at least twice within that time frame. She stated that people are working and using the system and then become frustrated when the 6 months is passed and they have to quit working until they are licensed.

**The Board noted the information.**

## **CORRESPONDENCE:**

### ASWB Correspondence

The Board reviewed the following ASWB correspondence:

1. ASWB Association News, February 2007. **No action taken.**
2. ASWB 2006 Examination Pass Rates. **Ms. Taxin informed the Board that ASWB contacted her to make arrangements for the Division to pre-approve applicants to sit for the examinations. She stated that ASWB informed her that Utah is only one of 3 States that does not pre-approve. She stated that she explained that Utah could not pre-approve at this time based on the large number of professions we regulate versus most States regulating only Social Work.**

### The Key Assistance Report

The Board reviewed the Key Assistance Report. **No action was taken.**

**BUSINESS FROM PREVIOUS MEETING:**

Requested Revision to the December 2006  
Minutes regarding Robert Matotek

Ms. Taxin stated that Robert Matotek contacted her regarding an error in the December 2006 minutes. He informed Ms. Taxin that the minutes stated he worked at Ogden Regional and he really works at Weber County. He requested the minutes be corrected.

**Mr. de St. Aubin made a motion for this correction to be made in the December minutes. Mr. Frandsen seconded the motion. The Board vote was unanimous.**

Mark de St. Aubin clarification

Mr. de St. Aubin stated that Ms. Taxin requested the Board to write down 5 things that require the education and training of a Bachelor level licensee. He stated that Ms. Taxin requested the Board go into the depth of what the Bachelor level licensee does that is different than what a non-licensed person, such as a teacher, would do. Mr. de St. Aubin asked Ms. Taxin and the Board to consider inviting public educators to meet with the Board for discussion of this subject.

**Ms. Taxin stated that she requested the Board to write 5 things that the Board members believe is the purpose of a Social Service Worker (SSW) or the duties the SSW performs that require a license. She stated that 3 Board members submitted the information and among those 3 responses she has what she was looking for.**

**Ms. Taxin continued and stated that she has had correspondence regarding the SSW scope of practice and because it is not clear she continues to receive questions. Ms. Taxin stated that she requested the Utah Health Care Association to have their members read the Utah Laws and Rules as there are many people who are practicing outside their scope. She stated that she requested any questions the Utah Health Care Association receives to be sent to her to answer. Ms. Taxin stated that she is open to hearing what is reasonable for the unlicensed person to be doing and thought if the Board came up with a list of what the duties or scope of practice are**

**for the SSW it would clarify the misunderstandings. She stated that the reality is that everything the Bachelor level person does is not something that requires a license. She stated that there are people who need the extra courses and are complaining that there are no courses to be found that meet the criteria of the Law. Ms. Taxin stated that her goal is to identify areas where the Law needs to be changed to assist the Association is making some changes. She stated that she has several professions requiring new Rules and the Social Work Rule changes will need to be prepared after the others.**

Mr. de St. Aubin stated that the University of Utah is in the process of preparing a practice methods course and they plan to offer the course in the fall.

**Ms. Taxin stated that Don Beck at the University of Phoenix already has 3 courses in place to meet the practice methods requirement and he will and does review transcripts to assist the Division and the applicant. She stated that if the Board takes steps to clarify some areas then it would not be as overwhelming.**

Mr. de St. Aubin suggested Ms. Taxin contact Deb Burkham regarding a network of long-term advocates in nursing homes for assistance.

**Ms. Taxin responded that the goal is to give the best care but there are many who have continually been out of compliance. She stated that the Division has received complaints and there are clarification changes that need to take place in the Rules to help people come into compliance.**

**Ms. Taxin stated that the Board could involve others as the process moves along but, she recommended that for now just have the Board clarify some specific areas. She stated that maybe 3 agencies could be given the list of scope of practice items that require a license before a Rules Hearing is scheduled.**

Board members responded that Ms. Taxin's

recommendation would be acceptable to them.

Mr. Frandsen asked if the Board would give him a simple list as he is the public member and not familiar enough with the profession to know what a Bachelor level person can and cannot do.

#### Mark de St. Aubin Question

Mr. de St. Aubin asked the Ms. Taxin and the Board if the Rules could be changed to allow Social Worker student in their 2<sup>nd</sup> year internships that are working at agencies who want to hire them after graduation to continue to work after graduation. He stated that there is about a 6 week period when the continuity of care for their case load is dropped until these people obtain their license. He asked how other professions handle this type of situation.

**Ms. Taxin responded that the Law does not allow an unlicensed person to practice. She stated that if the Universities retain these people in the practicum program they could continue working as they need the insurance coverage. Ms. Taxin stated that if the University covers them it would be ok but the Division is unable to cover them.**

Mr. de St. Aubin stated that if they could continue as registered students they could be covered and could continue to work. He stated that continuing as a student would delay them completing their graduate requirements and when those requirements have been met the registrar's office start preparing their transcripts.

**Ms. Taxin stated that there is a lull in other professions between graduation and licensing.**

Mr. de St. Aubin asked if the MSW graduates could practice at the Bachelor level as an SSW as that would not jeopardize client care.

**Ms. Taxin responded that she would not recommend that they practice at the Bachelor level as the MSW graduate has been doing mental health therapy and the Law does not allow the Bachelor level to conduct mental health therapy. She stated that no one would want the liability and she could**

**not write a letter giving them permission to work. She stated that the MSW graduate should not be responsible for a whole caseload. Ms. Taxin stated that it appears that agencies are misusing the students if they are giving them a heavy caseload.**

**She stated that the Law would have to be changed or transcripts would have to be issued right away to allow licensure immediately upon graduating.**

**NEXT MEETING SCHEDULED FOR:** May 17, 2007

**ADJOURN:** A motion to adjourn was made by Mr. Frandsen. Ms. Smith seconded the motion. **The Board vote was unanimous.**

The time is 2:42 pm and this meeting is adjourned.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

July 12, 2007  
Date Approved

(ss) Tammer Attallah  
Chairperson, Social Work Board

July 12, 2007  
Date Approved

(ss) Noel Taxin  
Bureau Manager, Division of Occupational &  
Professional Licensing